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Office of Campaign and Political Finance

One Ashburton Place, Room 411

Boston, MA 02108

Advisory Opinion

March 12, 2003

AO-03-02

Sheila Mackie
1 Downing Drive
Norton, MA 02766

Re: Support Our Schools Ballot Question Committee

Dear Ms. Mackie:

This letter is in response to your February 20, 2003 request for guidance regarding Support Our Schools ("the Committee"), a ballot question committee organized with the Norton Town Clerk.

Facts

You have stated that the Committee was formed in December 2002 for the purpose of supporting an anticipated Proposition 2½ debt exclusion to build a new school and renovate three existing schools. The Statement of Organization filed by the Committee indicates that the purpose of the Committee is "to place the school plan article on the ballot."

The proposal was rejected at Town Meeting and was not placed on the April 2003 town election ballot. You anticipate that a similar effort will be made again in the near future.

The Committee would like to stay in existence as a ballot question committee until another ballot question relating to the renovation or improvement of the Norton Public Schools is actually placed on the ballot. At this time there is a balance of approximately \$1,000 left in the Committee's account that the Committee would like to retain.

Question

May the Committee remain in existence to support a future ballot question to obtain funding for the renovation or improvement of the Norton Public Schools?

Response

Yes, because there has been no “final determination” as to the adoption or rejection of a ballot question.

A ballot question committee is a political committee “which receives or expends money or other things of value for the purpose of favoring or opposing the adoption or rejection of a specific question or questions submitted to the voters . . .” See M.G.L. c. 55, §§1 and 6B. Ongoing ballot question committees are not generally contemplated by the campaign finance law. Once a “final determination” in an election is made as to the adoption or rejection of a question, a ballot question committee must dissolve and donate all funds remaining in the committee’s account to the Local Aid Fund, a religious or charitable entity, a scholarship fund, or the general fund of any city or town in the commonwealth. See M.G.L. c. 55, § 18.

This office has, on a number of occasions, stated that ballot question committees may not remain in existence after a ballot question is approved or defeated, to influence similar ballot questions in future elections simply because the committee adopts a broad statement of purpose. See AO-98-08. Where there is no final determination in an election, however, a committee may remain in existence until such question is on the ballot. See AO-91-21, in which the office advised that a committee could remain in existence since a “final determination” was never made by the voters regarding the relevant ballot question. Rejection of the proposed Proposition 2 ½ debt exclusion by Town Meeting is not equivalent to a final determination by the voters in a town election. Therefore, the Committee is not required to dissolve at this time, and may remain in existence to support a future ballot question that is consistent with its statement of purpose.

The Committee must comply with the reporting requirements specified in M.G.L. c. 55, § 18, i.e., it must file a year-end campaign finance report, Form CPF M102, complete through December 31, by January 20 of each year until the Committee dissolves, even if no question is on the ballot. The report must reflect all contributions, expenditures and liabilities. Once a question is on the ballot, the Committee must also file eight days before and thirty days after the election.

This opinion is provided on the basis of representations in your letter and in your conversations with OCPF staff, and is issued solely within the context of the campaign finance law.

I encourage you to contact us in the future if you have further questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director

MJS/gb

cc: Diane P. Casagni, Norton Town Clerk